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Chapter No. 484

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SENATE BILL NO. 2407

Originated in Senate Ling Welch Secretary

SENATE BILL NO. 2407

AN ACT TO AMEND SECTION 25-41-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE BOARD OF TRUSTEES OF A COMMUNITY HOSPITAL IS A PUBLIC BODY FOR THE PURPOSES OF THE OPEN MEETINGS ACT; TO AMEND SECTION 25-41-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THE ABILITY OF THE BOARD OF TRUSTEES TO GO INTO EXECUTIVE SESSION FOR MATTERS CONCERNING THE OPERATION OF THE HOSPITAL AS A BUSINESS ENTITY; TO AMEND SECTION 25-61-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT RECORDS CONTAINING INFORMATION CONCERNING TRADE SECRETS AND CONFIDENTIAL COMMERCIAL AND FINANCIAL INFORMATION OF A PROPRIETARY NATURE DEVELOPED BY A PUBLIC HOSPITAL ARE NOT SUBJECT TO THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO AMEND SECTION 25-61-11, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT FEDERAL STATUTORY LAW IMPOSING CONFIDENTIALITY UPON A RECORD WILL EXEMPT THE RECORD FROM THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO AMEND SECTION 25-61-12, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT RECORDS RELATING TO THE BUSINESS DEVELOPMENT OF A PUBLIC HOSPITAL ARE NOT SUBJECT TO THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF PERSONS TO BE APPOINTED TO THE BOARD OF TRUSTEES OF A COMMUNITY HOSPITAL; TO AUTHORIZE THE HOSPITAL OWNER TO REMOVE A TRUSTEE FOR GOOD CAUSE SHOWN; TO IMPOSE A GREATER RANGE FOR THE PERFORMANCE BOND TO BE SECURED ON BEHALF OF TRUSTEES OF A COMMUNITY HOSPITAL; TO AMEND SECTION 27-104-155, MISSISSIPPI CODE OF 1972, TO REQUIRE THE OWNER OF A COMMUNITY HOSPITAL TO CREATE AND MAINTAIN A TRANSPARENCY AND ACCOUNTABILITY WEBSITE FOR THE HOSPITAL; TO AMEND SECTION 41-9-68, MISSISSIPPI CODE OF 1972, TO CLARIFY THE PUBLIC HOSPITAL RECORDS THAT ARE EXEMPT FROM THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO CREATE NEW SECTIONS 41-13-49 AND 41-13-51, MISSISSIPPI CODE OF 1972, TO REQUIRE ANY DEFINED BENEFIT RETIREMENT PLAN MAINTAINED BY A COMMUNITY HOSPITAL

FOR ITS EMPLOYEES, WHETHER THE MEMBERSHIP OF THE PLAN IS OPEN OR CLOSED TO NEW MEMBERS, TO DISCLOSE CERTAIN INFORMATION TO THE PUBLIC AND PROVIDE CERTAIN INFORMATION TO PARTICIPANTS; TO REQUIRE THE ADMINISTRATOR OF THE RETIREMENT PLAN TO DISSEMINATE TO THE PUBLIC A SUMMARY PLAN DESCRIPTION, ANNUAL DISCLOSURE OF FINANCIAL AND ACTUARIAL STATUS, AND AN ANNUAL REPORT; TO REQUIRE THE ADMINISTRATOR OF THE RETIREMENT PLAN TO FURNISH TO EACH PARTICIPANT AND BENEFICIARY WHO IS RECEIVING BENEFITS UNDER THE PLAN CERTAIN INFORMATION ABOUT THE PLAN; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-41-3, Mississippi Code of 1972, is amended as follows:

25-41-3. For purposes of this chapter, the following words shall have the meaning ascribed herein, to wit:

(a) "Public body" means any executive or administrative board, commission, authority, council, department, agency, bureau or any other policymaking entity, or committee thereof, of the State of Mississippi, or any political subdivision or municipal corporation of the state, whether * * * the entity be created by statute or executive order, which is supported wholly or in part by public funds or expends public funds, and any standing, interim or special committee of the Mississippi Legislature. The term "public body" includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board and the board of trustees of a community hospital as defined in Section 41-13-10. There shall be exempted from the provisions of this chapter:

(i) The judiciary, including all jury deliberations;

* * *

(* * *ii) Law enforcement officials;
(* * *iii) The military;
(* * *iv) The State Probation and Parole Board;
(* * *v) The Workers' Compensation Commission;
(* * *vi) Legislative subcommittees and
legislative conference committees;
(* * *vii) The arbitration council established in
Section 69-3-19;
(* * *viii) License revocation, suspension and
disciplinary proceedings held by the Mississippi State Board of
Dental Examiners; and
(* * *ix) Hearings and meetings of the Board of
Tax Appeals and of the hearing officers and the board of review of
the Department of Revenue as provided in Section 27-77-15.

(b) "Meeting" means an assemblage of members of a
public body at which official acts may be taken upon a matter over
which the public body has supervision, control, jurisdiction or
advisory power; "meeting" also means any * * * assemblage through
the use of video or teleconference devices.

SECTION 2. Section 25-41-7, Mississippi Code of 1972, is
amended as follows:

25-41-7. (1) Any public body may enter into executive
session for the transaction of public business; * * * however, all
meetings of any * * * public body shall commence as an open

meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.

(2) The procedure to be followed by any public body in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. * * * The motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection (1) hereof, has been taken on the issue.

(3) An executive session shall be limited to matters allowed to be exempted from open meetings by subsection (4) of this section. The reason for holding * * * an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.

(4) A public body may hold an executive session pursuant to this section for one or more of the following reasons:

(a) Transaction of business and discussion of personnel matters relating to the job performance, character, professional competence, or physical or mental health of a person holding a

specific position, or matters relating to the terms of any potential or current employment or services agreement with any physicians or other employees of public hospitals, including any discussion of any person applying for medical staff privileges or membership with a public hospital.

(b) Strategy sessions or negotiations with respect to prospective litigation, litigation or issuance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the public body.

(c) Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

(d) Investigative proceedings by any public body regarding allegations of misconduct or violation of law.

(e) Any body of the Legislature which is meeting on matters within the jurisdiction of * * * that body.

(f) Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons * * * or property, or both, within the jurisdiction of * * * the public body.

(g) Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.

(h) Discussions between a school board and individual students who attend a school within the jurisdiction of * * * the school board or the parents or teachers of * * * the students

regarding problems of * * * the students or their parents or teachers.

(i) Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.

(j) Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business, medical service or an industry.

(k) Transaction of business and discussions regarding employment or job performance of a person in a specific position or termination of an employee holding a specific position. The exemption provided by this paragraph includes transaction of business and discussion in executive session by the board of trustees of a public hospital regarding any employee or medical staff member or applicant for medical staff privileges and any such individual's credentialing, health, performance, salary, raises or disciplinary action. The exemption provided by this paragraph includes the right to enter into executive session concerning a line item in a budget which might affect the termination of an employee or employees. All other budget items shall be considered in open meetings and final budgetary adoption shall not be taken in executive session.

(l) Discussions regarding material or data exempt from the Mississippi Public Records Act of 1983 pursuant to Section 25-11-121.

(m) Transaction of business and discussion regarding prospective strategic business decisions of public hospitals, including without limitation, decisions to open a new service line, implement capital improvements, or file applications for certificates of need or determinations of nonreviewability with the State Department of Health.

(n) Transaction of business of the boards of trustees of public hospitals that would require discussion of any identifiable patient information, including without limitation, patient complaints, patients' accounts, patients receiving charity care, or treatment that could be identified to a patient.

(5) The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes of * * * the public body.

(6) Any * * * vote whereby an executive session is declared shall be applicable only to that particular meeting on that particular day.

SECTION 3. Section 25-61-9, Mississippi Code of 1972, is amended as follows:

25-61-9. (1) Records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to * * * third parties has been given, but * * * the records shall be released within a reasonable period of time

unless the * * * third parties * * * have obtained a court order protecting * * * the records as confidential.

(2) If any public record which is held to be exempt from disclosure pursuant to this chapter contains material which is not exempt pursuant to this chapter, the public body shall separate the exempt material and make the nonexempt material available for examination * * * or copying, or both, as provided for in this chapter.

(3) Trade secrets and confidential commercial and financial information of a proprietary nature developed by a college * * *, university or public hospital under contract with a firm, business, partnership, association, corporation, individual or other like entity shall not be subject to inspection, examination, copying or reproduction under this chapter.

(4) Misappropriation of a trade secret shall be governed by the provisions of the Mississippi Uniform Trade Secrets Act, Sections 75-26-1 through 75-26-19.

(5) A waste minimization plan and any updates developed by generators and facility operators under the Mississippi Comprehensive Multimedia Waste Minimization Act of 1990 shall be retained at the facility and shall not be subject to inspection, examination, copying or reproduction under this chapter.

(6) Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in Section 75-26-3, and

data processing software produced by a public body which is sensitive must not be subject to inspection, copying or reproduction under this chapter.

As used in this subsection, "sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

(a) Collect, process, store, and retrieve information which is exempt under this chapter.

(b) Control and direct access authorizations and security measures for automated systems.

(c) Collect, process, store, and retrieve information, disclosure of which would require a significant intrusion into the business of the public body.

SECTION 4. Section 25-61-11, Mississippi Code of 1972, is amended as follows:

25-61-11. The provisions of this chapter shall not be construed to conflict with, amend, repeal or supersede any constitutional * * * law, state or federal statutory law, or decision of a court of this state or the United States which at the time of this chapter is effective or thereafter specifically declares a public record to be confidential or privileged, or provides that a public record shall be exempt from the provisions of this chapter.

SECTION 5. Section 25-61-12, Mississippi Code of 1972, is amended as follows:

25-61-12. (1) The home address, any telephone number of a privately paid account or other private information of any law enforcement officer, criminal investigator, judge or district attorney or the spouse or child of * * * the law enforcement officer, criminal investigator, judge or district attorney shall be exempt from the Mississippi Public Records Act of 1983. This exemption does not apply to any court transcript or recording if given under oath and not otherwise excluded by law.

(2) (a) When in the possession of a law enforcement agency, investigative reports shall be exempt from the provisions of this chapter; however, a law enforcement agency, in its discretion, may choose to make public all or any part of any investigative report.

(b) Nothing in this chapter shall be construed to prevent any and all public bodies from having among themselves a free flow of information for the purpose of achieving a coordinated and effective detection and investigation of unlawful activity. Where the confidentiality of records covered by this section is being determined in a private hearing before a judge under Section 25-61-13, the public body may redact or separate from * * * the records the identity of confidential informants or the identity of the person or persons under investigation or other information other than the nature of the incident, time, date and location.

(c) Nothing in this chapter shall be construed to exempt from public disclosure a law enforcement incident report.

An incident report shall be a public record. A law enforcement agency may release information in addition to the information contained in the incident report.

(d) Nothing in this chapter shall be construed to require the disclosure of information that would reveal the identity of the victim.

(3) Personal information of victims, including victim impact statements and letters of support on behalf of victims that are contained in records on file with the Mississippi Department of Corrections and State Parole Board, shall be exempt from the provisions of this chapter.

(4) Records of a public hospital board relating to the purchase or sale of medical or other practices or other business operations, and the recruitment of physicians and other health care professionals, shall be exempt from the provisions of this chapter.

SECTION 6. Section 41-13-29, Mississippi Code of 1972, is amended as follows:

41-13-29. (1) (a) The owners are * * * authorized to appoint trustees for the purpose of operating and governing community hospitals. The owner of a community hospital may remove a trustee after appointment for good cause shown, upon a unanimous vote of all members of the governing board of the owner that appointed the trustee, or upon a majority vote of the governing board of the owner that appointed the trustee after a

recommendation from the board of trustees of the hospital that the trustee be removed. * * * To be eligible for appointment, an appointee must be an adult legal * * * resident of the county which has an ownership interest in * * * the community hospital or the county * * * in which the municipality or other political subdivision holding the ownership interest in the community hospital is located. The authority to appoint trustees shall not apply to leased facilities, unless specifically reserved by the owner in the applicable lease agreement.

(b) The board of trustees shall consist of not more than seven (7) members nor less than five (5) members, except where specifically authorized by statute, and shall be appointed by the respective owners on a pro rata basis comparable to the ownership interests in the community hospital. Where * * * the community hospital is owned solely by a county, or any supervisors districts, judicial districts or election district of a county, or by a municipality, the trustees shall be residents of the owning entity.

(c) Trustees for municipally owned community hospitals shall be appointed by the * * * governing authority of * * * the municipality. Trustees for a community hospital owned by a county shall be appointed by the board of supervisors with each supervisor having the right to nominate one (1) trustee from his district or from the county at large. Appointments exceeding five (5) in number shall be from the county at large. Trustees for a

community hospital owned solely by supervisors districts, judicial districts or election district of a county, shall be appointed by the board of supervisors of * * * the county from nominees submitted by the supervisor * * * or supervisors representing the owner district * * * or districts.

(2) (a) Initially the board of trustees shall be appointed as follows: one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Appointments exceeding five (5) in number shall be for terms of four (4) and five (5) years, respectively. Thereafter, all terms shall be for five (5) years. No community hospital trustee holding office on July 1, 1982, shall be affected by this provision, but * * * the terms shall be filled at the expiration thereof according to the provisions of this section, provided, however, that any other specific appointment procedures presently authorized shall likewise not be affected by the terms hereof. Any vacancy on the board of trustees shall be filled within ninety (90) days by appointment by the applicable owner for the remainder of the unexpired term.

(b) From and after January 1, 2016, to be eligible for appointment, an appointee must have no felony convictions, possess at least a high school diploma or the equivalent, owe no outstanding debt to the community hospital, and not be a plaintiff in any pending lawsuit against the community hospital.

(3) (a) Any community hospital erected, owned, maintained and operated by any county located in the geographical center of the State of Mississippi and in which State Highways No. 12 and No. 35 intersect, shall be operated by a board of trustees of five (5) members who have the qualifications set forth in this section to be appointed by the board of supervisors from the county at large, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Thereafter all * * * trustees shall be appointed from the county at large for a period of five (5) years.

(b) Any community hospital erected, owned, maintained and operated by any county situated in the Yazoo-Mississippi Delta Levee District and bordering on the Mississippi River and having a population of not less than forty-five thousand (45,000) and having an assessed valuation of not less than Thirty Million Dollars (\$30,000,000.00) for the year 1954, shall be operated by a board of trustees which may consist of not more than eleven (11) members who have the qualifications set forth in this section.

(c) Any hospital erected, owned, maintained and operated by any county having two (2) judicial districts, which is traversed by U.S. Interstate Highway 59, which intersects Highway 84 therein, shall be operated by a board of trustees which shall consist of seven (7) members who have the qualifications set forth in this section. The first seven (7) members appointed under

authority of this paragraph shall be appointed by the board of supervisors for terms as follows:

Each supervisor of Supervisors Districts One and Two shall nominate and the board of supervisors shall appoint one (1) person from each said beat for a one-year term. Each supervisor of Supervisors Districts Three and Four shall nominate and the board of supervisors shall appoint one (1) person from each * * * beat for a two-year term. The supervisor of Supervisors District Five shall nominate and the board of supervisors shall appoint one (1) person from * * * the beat for a three-year term. The medical staff at the hospital shall submit a list of four (4) nominees and the supervisors shall appoint two (2) trustees from * * * the list of nominees, one (1) for a three-year term and one (1) for a one-year term. Thereafter, as the terms of the board of trustee members authorized by this paragraph expire, all but the trustee originally appointed from the medical staff nominees for a one-year term shall be appointed by the board of supervisors for terms of three (3) years. The term of the trustee originally appointed from the medical staff nominees by the board of supervisors for a term of one (1) year shall remain a term of one (1) year and shall thereafter be appointed for a term of one (1) year. The two (2) members appointed from medical staff nominees shall be appointed from a list of two (2) nominees for each * * * position to be submitted by the medical staff of the hospital for each vacancy to be filled. It is the intent of the Legislature

that the board of trustees which existed prior to July 1, 1985, was abolished by amendment to this section under Section 5, Chapter 511, Laws of 1985, and * * * the amendment authorized the appointment of a new board of trustees on or after July 1, 1985, in the manner provided in this paragraph. Any member of the board of trustees which existed * * * before July 1, 1985, who has the qualifications set forth in this section shall be eligible for reappointment subject to the provisions of this paragraph.

(d) Any community hospital erected, owned, maintained and operated by any county bordering on the Mississippi River having two (2) judicial districts, wherein U.S. Highway 61 and Mississippi Highway 8 intersect, lying wholly within a levee district, shall be operated by a board of trustees which may consist of not more than nine (9) members who have the qualifications set forth in this section.

(e) Any community hospital system owned, maintained and operated by any county bordering on the Gulf of Mexico and the State of Alabama shall be operated by a board of trustees constituted as follows: seven (7) members shall be selected as provided in subsection (1) of this section and the remaining members shall be the chiefs of staff at those hospitals which are a part of the hospital system; the members must have the qualifications set forth in this section. The term of the chiefs of staff on the board of trustees shall coincide with their service as chiefs of staff at their respective hospitals.

(4) Any community hospital owned, maintained and operated by any county wherein Mississippi Highways 16 and 19 intersect, having a land area of five hundred sixty-eight (568) square miles, and having a population in excess of twenty-three thousand seven hundred (23,700) according to the 1980 federal decennial census, shall be operated by a board of trustees of five (5) members who have the qualifications set forth in this section, one (1) of whom shall be elected by the qualified electors of each supervisors district of the county in the manner provided herein. Each member so elected shall be a resident and qualified elector of the district from which he is elected. The first elected members of the board of trustees shall be elected at the regular general election held on November 4, 1986. At * * * the election, the members of the board from Supervisors Districts One and Two shall be elected for a term of six (6) years; members of the board from Supervisors Districts Three and Four shall be elected for a term of two (2) years; and the member of the board from Supervisors District Five shall be elected for a term of four (4) years. Each subsequent member of the board shall be elected for a term of six (6) years at the same time as the general election in which the member of the county board of education representing the same supervisors district is elected. All members of the board shall take office on the first Monday of January following the date of their election. The terms of all seven (7) appointed members of * * * the board of trustees holding office on the effective

date of this act shall expire on the date that the first elected members of the board take office. The board of trustees provided for herein shall not lease or sell the community hospital property under its jurisdiction unless the board of supervisors of the county calls for an election on the proposition and a majority voting in * * * the election shall approve * * * the lease or sale.

The members of the board of trustees provided for in this subsection shall be compensated a per diem and reimbursed for their expenses and mileage in the same amount and subject to the same restrictions provided for members of the county board of education in Section 37-5-21 and may, at the discretion of the board, choose to participate in any hospital medical benefit plan which may be in effect for hospital employees. Any member of the board of trustees choosing to participate in * * * the plan shall pay the full cost of his participation in the plan so that no expenditure of hospital funds is required.

The name of any qualified elector who is a candidate for * * * the community hospital board of trustees shall be placed on the ballot used in the general elections by the county election commissioners, * * * if the candidate files with * * * the county election commissioners, not more than ninety (90) days and not less than thirty (30) days * * * before the date of * * * the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each

supervisors district. The candidate in each supervisors district who receives the highest number of votes cast in the district shall be declared elected.

(5) A board of trustees provided for herein may, in its discretion, where funds are available, compensate each trustee per diem in the amount of at least the amount established by Section 25-3-69 up to the maximum amount of not more than One Hundred Fifty Dollars (\$150.00) for each meeting of * * * the board of trustees or meeting of a committee established by the board of trustees where the trustee was in attendance, and in addition thereto provide meals at * * * the meetings and compensate each member attending travel expenses at the rate authorized by Section 25-3-41 for actual mileage traveled to and from the place of meeting.

(6) The owner which appointed a trustee may likewise remove him from office by majority vote for failure to attend at least fifty percent (50%) of the regularly scheduled meetings of * * * the board during the twelve-month period preceding * * * the vote, or for violation of any statute relating to the responsibilities of his office, based upon the recommendation of a majority of the remaining trustees.

(7) For community hospitals located in a county having a population of less than one hundred thousand (100,000) according to the most recent federal decennial census, the members of the board of trustees, administrator and any other officials of the

community hospital as may be deemed necessary or proper by the board of trustees shall be under bond in an amount not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00) with some surety company authorized to do business in the State of Mississippi to faithfully perform the duties of his office. For community hospitals located in a county having a population of one hundred thousand (100,000) or more according to the most recent federal decennial census, the bond shall be in an amount not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00). Premiums for * * * the bonds shall be paid from funds of the community hospital.

SECTION 7. Section 27-104-155, Mississippi Code of 1972, is amended as follows:

27-104-155. (1) The Department of Finance and Administration shall develop and operate a searchable website that includes information on expenditures of state funds from all funding sources. The website shall have a unique and simplified website address, and the department shall require each agency that maintains a generally accessible Internet site or for which a generally accessible Internet site is maintained to include a link on the front page of the agency's Internet site to the searchable website required under this section.

(a) With regard to disbursement of funds, the website shall include, but not be limited to:

(i) The name and principal location of the entity or recipients of the funds, excluding release of information relating to an individual's place of residence, the identity of recipients of state or federal assistance payments, and any other information deemed confidential by state or federal law relating to privacy rights;

(ii) The amount of state funds expended;

(iii) A descriptive purpose of the funding action or expenditure;

(iv) The funding source of the expenditure;

(v) The budget program or activity of the expenditure;

(vi) The specific source of authority and descriptive purpose of the expenditure, to include a link to the funding authorization document(s) in a searchable PDF form;

(vii) The specific source of authority for the expenditure including, but not limited to, a grant, subgrant, contract, or the general discretion of the agency director, provided that if the authority is a grant, subgrant or contract, the website entry shall include a grant, subgrant or contract number or similar information that clearly identifies the specific source of authority. The information required under this paragraph includes data relative to tax exemptions and credits;

(viii) The expending agency;

(ix) The type of transaction;

(x) The expected performance outcomes achieved for the funding action or expenditure;

(xi) Links to any state audit or report relating to the entity or recipient of funds or the budget program or activity or agency; and

(xii) Any other information deemed relevant by the Department of Finance and Administration.

(b) When the expenditure of state funds involves the expenditure of bond proceeds, the searchable website must include a clear, detailed description of the purpose of the bonds, a current status report on the project or projects being financed by the bonds, and a current status report on the payment of the principal and interest on the bonds.

(c) The searchable website must include access to an electronic summary of each grant, including amendments; subgrant, including amendments; contract, including amendments; and payment voucher that includes, wherever possible, a hyperlink to the actual document in a searchable PDF format, subject to the restrictions in paragraph (d) of this section. The Department of Finance and Administration may cooperate with other agencies to accomplish the requirements of this paragraph.

(d) Nothing in Sections 27-104-151 through 27-104-159 shall permit or require the disclosure of trade secrets or other proprietary information, including confidential vendor

information, or any other information that is required to be confidential by state or federal law.

(e) The information available from the searchable website must be updated no later than fourteen (14) days after the receipt of data from an agency, and the Department of Finance and Administration shall require each agency to provide to the department access to all data that is required to be accessible from the searchable website within fourteen (14) days of each expenditure, grant award, including amendments; subgrant, including amendments; or contract, including amendments; executed by the agency.

(f) The searchable website must include all information required by this section for all transactions that are initiated in fiscal year 2015 or later. In addition, all information that is included on the searchable website from the date of the inception of the website until July 1, 2014, must be maintained on the website according to the requirements of this section before July 1, 2014, and remain accessible for ten (10) years from the date it was originally made available. All data on the searchable website must remain accessible to the public for a minimum of ten (10) years.

(2) The Board of Trustees of State Institutions of Higher Learning shall create the IHL Accountability and Transparency website to include its executive office and the institutions of higher learning no later than July 1, 2012. This website shall:

(a) Provide access to existing financial reports, financial audits, budgets and other financial documents that are used to allocate, appropriate, spend and account for appropriated funds;

(b) Have a unique and simplified website address;

(c) Be directly accessible via a link from the main page of the Department of Finance and Administration website, as well as the IHL website and the main page of the website of each institution of higher learning;

(d) Include other links, features or functionality that will assist the public in obtaining and reviewing public financial information;

(e) Report expenditure information currently available within these enterprise resource planning (ERP) computer systems; and

(f) Design the reporting format using the existing capabilities of these ERP computer systems.

(3) The Mississippi Community College Board shall create the Community and Junior Colleges Accountability and Transparency website to include its executive office and the community and junior colleges no later than July 1, 2012. This website shall:

(a) Provide access to existing financial reports, financial audits, budgets and other financial documents that are used to allocate, appropriate, spend and account for appropriated funds;

(b) Have a unique and simplified website address;

(c) Be directly accessible via a link from the main page of the Department of Finance and Administration website, as well as the Mississippi Community College Board website and the main page of the website of each community and junior college;

(d) Include other links, features or functionality that will assist the public in obtaining and reviewing public financial information;

(e) Report expenditure information currently available within the computer system of each community and junior college; and

(f) Design the reporting format using the existing capabilities of the computer system of each community and junior college.

(4) Not later than January 1, 2016, the owner or owners of a community hospital, as defined in Section 41-13-10, shall create and maintain an accountability and transparency website for the community hospital or set up a separate section for the community hospital on the current website of the owner or owners. This website of the community hospital or section of the website of the owner or owners shall:

(a) Provide access to existing financial reports, financial audits, budgets and other financial documents of the community hospital that are used to allocate, appropriate, spend and account for public funds;

(b) Have a unique and simplified website address if it is a new website for the community hospital, or be an easily accessible section of the website of the owner or owners;

(c) Include links, features or functionality that will assist the public in obtaining and reviewing public financial information of the community hospital;

(d) Report expenditure information of the community hospital in functional expenditure categories that is currently available within the computer system of the community hospital; and

(e) Design the reporting format using the existing capabilities of the computer system or systems of the owner or owners of the community hospital.

SECTION 8. Section 41-9-68, Mississippi Code of 1972, is amended as follows:

41-9-68. (1) Except as otherwise provided in subsection (2) of this section, records maintained by public hospitals * * * shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(2) The following records of public hospitals shall not be exempt from the Mississippi Public Records Act of 1983:

(a) The official minutes of the board of trustees of a public hospital;

(b) Financial reports not otherwise exempt that are required by state or federal statute or regulation to be filed

with the owner of the public hospital or with any other agency of state or federal government; and

(c) Any other record maintained by a public hospital that does not fall within the definition of the term "hospital records" as that term is defined in Section 41-9-61, except for the following records, which shall be exempt:

(i) Records directly relating to the terms of any potential or current employment or services agreement with any physicians or other employees of a public hospital, including any application for medical staff privileges or membership with a public hospital;

(ii) Records directly relating to the credentialing, health, performance, salary, raises or disciplinary action of any employee or medical staff member or applicant for medical staff privileges at a public hospital;

(iii) Records directly relating to prospective strategic business decisions of a public hospital, including without limitation, decisions to open a new service line, implement capital improvements, or file applications for certificates of need or determinations of nonreviewability with the State Department of Health; and

(iv) Records directly relating to individual patient billing and collection information.

SECTION 9. The following shall be codified as Section 41-13-49, Mississippi Code of 1972:

41-13-49. (1) As used in this section and Section 41-13-51, the following terms shall be defined as provided in this subsection:

(a) "Administrator" means the person primarily responsible for the management of the retirement plan or, if no person is clearly designated, the trustee of the retirement plan who has the ultimate authority to manage the plan;

(b) "Beneficiary" means a person, other than the participant, who is designated by a participant or by the retirement plan to receive a benefit under the retirement plan;

(c) "Defined benefit retirement plan" means a retirement plan other than a defined contribution retirement plan;

(d) "Defined contribution retirement plan" means a retirement plan that provides for an individual account for each participant and for benefits based solely upon the amount contributed to the participant's account, and any income, expenses, gains and losses credited or charged to the account and any forfeitures of accounts of other participants that may be allocated to the participant's account;

(e) "Governing law" means state and local laws establishing or authorizing the creation of the retirement plan and the principal state and local laws and regulations governing the management of the retirement plan or assets of either;

(f) "Nonforfeitable benefit" means an immediate or deferred benefit that arises from a participant's service, is unconditional, and is enforceable against the retirement plan;

(g) "Participant" means an individual who is or has been an employee enrolled in the retirement plan and who is or may become eligible to receive or is currently receiving a benefit under the retirement plan, or whose beneficiaries are or may become eligible to receive a benefit. The term does not include an individual who is no longer an employee of the community hospital and has not accrued any nonforfeitable benefits under the retirement plan;

(h) "Retirement plan" means a plan of rights and obligations that a community hospital establishes or maintains and that, by its express terms or as a result of surrounding circumstances, provides retirement income to employees;

(i) "Trustee" means a person who has ultimate authority to manage a retirement plan or to invest or manage its assets.

(2) This section and Section 41-13-51 apply to any defined benefit retirement plan established or maintained by a community hospital for its employees, whether the membership of the retirement plan is open or closed to new members. This section and Section 41-13-51 do not apply to any community hospital that is a member of the Public Employees' Retirement System.

(3) The administrator of the retirement plan shall prepare and disseminate:

- (a) A summary plan description of the retirement plan;
- (b) A summary description of any material modification in the terms of the retirement plan and any material change in the information required to be contained in the summary plan description, to the extent the modification or change has not been integrated into an updated summary plan description;

- (c) An annual disclosure of financial and actuarial status; and

- (d) An annual report.

(4) The administrator shall make available for public examination in the principal office of the administrator and in other places if necessary to make the information reasonably available to participants:

- (a) The governing law of the retirement plan;

- (b) The most recent summary plan description;

- (c) Summary descriptions of modifications or changes described in subsection (3)(b) of this section that have been provided to participants and beneficiaries but not yet integrated into the summary plan description;

- (d) The most recent annual disclosure of financial and actuarial status; and

- (e) The most recent annual report.

(5) Upon written request by a participant, beneficiary or member of the public, the administrator shall provide a copy of any publication described in subsection (4) of this section.

(6) The administrator shall furnish to each participant and to each beneficiary who is receiving benefits under the retirement plan:

(a) A copy of the most recent summary plan description, along with any summary descriptions of modifications or changes described in subsection (3)(b) of this section, within three (3) months after a person becomes a participant or, in the case of a beneficiary, within three (3) months after a person first receives benefits, or, if later, within four (4) months after the retirement plan becomes subject to this section;

(b) The summary description of any modifications or changes described in subsection (3)(b) of this section, within seven (7) months after the end of the fiscal year in which a modification or change has been made;

(c) A copy of an updated summary plan description that integrates all modifications and changes at intervals not exceeding five (5) years; and

(d) The annual report within seven (7) months after the end of each fiscal year.

(7) The administrator shall provide to a participant or beneficiary a statement containing information that would permit the participant or beneficiary to estimate projected benefits reasonably, to the extent the information is regularly maintained by the retirement plan. The information shall be provided with the annual report or upon written request of the participant or

beneficiary. The information need not be provided to a participant or beneficiary who is currently receiving benefits.

(8) A participant who is not currently receiving benefits is entitled without charge to one (1) statement under subsection (7) of this section during any fiscal year. The administrator shall provide the statements within thirty (30) days after the participant's or beneficiary's request.

SECTION 10. The following shall be codified as Section 41-13-51, Mississippi Code of 1972:

41-13-51. (1) A summary plan description and a summary description of modifications or changes under Section 41-13-49(3)(b) of this act shall be written in a manner calculated to be understood by the average participant and be accurate and sufficiently comprehensive reasonably to inform the participants and beneficiaries of their rights and obligations under the retirement plan.

(2) A summary plan description shall contain:

- (a) The name of the retirement plan;
- (b) The name and business address of the administrator;
- (c) The name and business address of each agent for service of process;
- (d) Citations to the governing law of the retirement plan;
- (e) A description of the retirement plan's requirements respecting eligibility for participation and benefits;

(f) A description of the retirement plan's provisions providing for nonforfeitable benefits;

(g) A description of circumstances that may result in disqualification, ineligibility or denial or loss of benefits;

(h) A description of the benefits provided by the retirement plan, including the manner of calculating benefits and any benefits provided for spouses and survivors;

(i) The source of financing of the retirement plan;

(j) The identity of any organization through which benefits are provided;

(k) The date the fiscal year ends;

(l) The procedures to claim benefits under the retirement plan and the administrative procedures available under the retirement plan for the redress of claims that are denied in whole or in part; and

(m) Notice of the availability of additional information under Section 41-13-49(4), (5), (7) and (8).

(3) An annual disclosure of financial and actuarial status shall contain:

(a) The name of the retirement plan;

(b) The name and business address of the administrator;

(c) The name and business address of each trustee and each member of a trustee board and a brief description of how the trustee or member was selected;

(d) The name and business address of each agent for the service of process;

(e) The number of employees covered by the retirement plan;

(f) Financial statements and notes to the financial statements in conformity with generally accepted accounting principles;

(g) An opinion on the financial statements by a qualified public accountant in conformity with generally accepted auditing standards;

(h) Actuarial schedules and notes to the actuarial schedules in conformity with generally accepted actuarial principles and practices for measuring pension obligations;

(i) An opinion by a qualified actuary that the actuarial schedules are complete and accurate to the best of the actuary's knowledge, that each assumption and method used in preparing the schedules is reasonable, that the assumptions and methods in the aggregate are reasonable, and that the assumptions and methods in combination offer the actuary's best estimate of anticipated experience;

(j) A description of any material interest, other than the interest in the retirement plan itself, held by the community hospital or any employee organization representing employees covered by the retirement plan in any material transaction with

the retirement plan within the last three (3) years or proposed to be effected;

(k) A description of any material interest held by any trustee, administrator or employee who is a fiduciary with respect to the investment and management of assets of the retirement plan, or by a related person, in any material transaction with the retirement plan within the last three (3) years or proposed to be effected;

(l) A schedule of the rates of return, net of total investment expense, on assets of the retirement plan overall and on assets aggregated by category over the most recent one-, three-, five- and ten-year periods, to the extent available, and the rates of return on appropriate benchmarks for assets of the retirement plan overall and for each category over each period;

(m) A schedule of the sum of total investment expense and total general administrative expense for the fiscal year expressed as a percentage of the fair value of assets of the retirement plan on the last day of the fiscal year, and an equivalent percentage for the preceding five (5) fiscal years; and

(n) A schedule of all assets held for investment purposes on the last day of the fiscal year aggregated and identified by issuer, borrower, lessor or similar party to the transaction stating, if relevant, the asset's maturity date, rate of interest, par or maturity value, number of shares, cost and

fair value and identifying any asset that is in default or classified as uncollectible.

(4) An annual report shall contain:

(a) The name and business address of each trustee and each member of a trustee board;

(b) The financial statements, but not the notes, required by subsection (3)(f) of this section;

(c) The actuarial schedules, but not the notes, required by subsection (3)(h) of this section;

(d) The schedules described in subsection (3)(l) and (m) of this section;

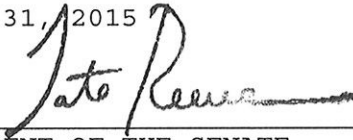
(e) A brief description of and information about how to interpret the statements and schedules;

(f) Other material necessary to summarize fairly and accurately the annual disclosure of financial and actuarial status; and

(g) Notice of the availability of additional information under Section 41-13-49(4), (5), (7) and (8).

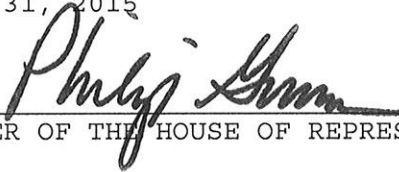
SECTION 11. This act shall take effect and be in force from
and after January 1, 2016.

PASSED BY THE SENATE
March 31, 2015



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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